

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

ANDREW DAVID JARAMILLO,
Defendant.

MEMORANDUM DECISION AND
ORDER GRANTING STIPULATED
MOTION TO CONTINUE;
VACATING TRIAL, SETTING NEW
TRIAL DATE AND EXCLUDING
TIME

Case No. 1:05-CR-136 TS

This matter is before the Court on the parties' stipulated Motion to Continue Jury Trial and Request for Hearing. The parties stipulate to continue the jury trial on the grounds that a possible *Giglio/Brady* issue has arisen less than a week before trial. The parties seek a continuance to investigate the issue and conduct discovery if necessary. The Court finds that this is an unexpected development that could not have been reasonably anticipated by either party. The Court finds that the failure to grant the continuance would deprive counsel for the defendant and for the government the reasonable time necessary for effective preparation for trial, taking into account the

exercise of due diligence. The Court finds that the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. Based upon the foregoing, is therefore

ORDERED that the Stipulated Motion to Continue (Docket No. 45) is GRANTED and the jury trial currently scheduled to begin on February 5, 2007, is hereby VACATED. It is further

ORDERED that a three day jury trial is set to begin on April 16, 2007, at 8:30 a.m. It is further

ORDERED that pursuant to 18 U.S.C. § 3161(h)(8), the time between February 5, 2007, and the new trial date be excluded in computing the time within which the trial shall be commenced under the Speedy Trial Act.

DATED February 1, 2007.

BY THE COURT:



TED STEWART
United States District Judge